

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	ORDER OF
)	
or Suspension of the Educator)	SUMMARY SUSPENSION
)	
Certification of Stephen M. Cain)	
)	
Certificate #103138)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 9, 2004. The State Department of Education (Department) will send a notice of the possible suspension or revocation of his South Carolina educator certificate #097371 (certificate) to Mr. Stephen M. Cain by certified mail, return receipt requested, delivery restricted to addressee. In the interim in accordance with S.C. Code Ann. §1-23-370(c) (1986), the Department requested that the State Board summarily suspend Mr. Cain's certificate until a due process hearing is held, or this matter is otherwise resolved. The Department has reason to believe, due to the nature of the misconduct that led to Mr. Cain's arrest on three occasions in the past year and his subsequent resignation from his employment that Mr. Cain may pose a threat to the health, safety, or welfare of students that may be under his instruction. This summary suspension will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse as a summary suspension pending due process proceedings. After considering the evidence presented by the Department, the State Board voted to summarily suspend Mr. Cain's certificate until a due process hearing is held, or this matter is otherwise resolved.

Mr. Cain holds a valid South Carolina certificate and has over twenty-three years of teaching experience credit. Mr. Cain was employed as an elementary school teacher with the Spartanburg County School District Seven (District) for the 2003 – 2004 school year. He was placed on administrative leave in February 2004 when the District learned was arrested for the

third time in the past year on the charge of criminal domestic violence. The arrests took place on May 12, 2003, August 9, 2003, and February 5, 2004. Mr. Cain has since resigned his position with the District. The first charge was dismissed, the second charge resulted in a conviction, and the third charge is pending.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (1990). Just cause includes: "immorality; any conduct involving moral turpitude; unprofessional conduct; and crime against the law of this State or the United States." S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Ann. Regs. 43-58 (1992). In accordance with S.C. Code Ann. § 1-23-370(c) (1986), "If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action." The State Board finds that there is reason to believe that Mr. Cain may pose a threat to the welfare of students that may be under his instruction. Accordingly, the State Board thereby summarily suspends Mr. Cain's certificate # 103138 until a due process hearing is held, or this matter is otherwise resolved.

South Carolina State Board of Education

By: /S/ Mary E. Jones
Mary E. Jones
Chair

Columbia, South Carolina
March 9, 2004